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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/187,895 11/06/98 BUSEY

A ACUI1130

EXAMINER

TM02/1023

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BASHORE, W

ART UNIT

PAPER NUMBER

2176

DATE MAILED:

10/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/187,895

Applicant(s)
BUSEY, Andrew T.

Examiner
William L. Bashore

Art Unit
2176



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 6, 1998
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

1. This Action is responsive to communications: original application filed on 11/6/1998, which is a CIP of 08/768,606 filed 12/18/1996 - now abandoned, and CIP of 08/722,898 filed 9/27/1996, now U.S. Patent No. 5,764,916.
2. Claims 1-28 are pending in this case. Claims 1, 7, 13, 16, 24 are independent claims.

Specification

3. The disclosure is objected to because of the following informalities: Specification page 1, section - "Technical Field Of The Invention" should be updated to reflect the fact that Application Serial No. 08/768,606 is now abandoned, and Application Serial No. 08/722,898 is now U.S. Patent No. 5,764,916. Appropriate correction is required.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Pending claims 1-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 5 of Busey et al., U.S. Patent No. 5,764,916 (hereinafter Busey '916). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following.

In regard to independent claim 1, Busey '916 teaches:

- a method of coordinating media/messaging operations via a real time chat server, said server handles streaming data to a second real time chat server (see claim 1 of Busey '916; compare with pending claim 1 "*A method for coordinating media....comprising the steps of*", and "*streaming media and messages in an information processing....a plurality of user nodes*").

- sending/receiving unsynchronized media and messages in the form of an embedded hyperlink (see claim 1 of Busey '916; compare with pending claim 1 "*receiving a plurality of unsynchronized media and messages from said plurality of user nodes*").

- Busey '916 does not specifically teach controlling streaming using a synchronizer and a switching mechanism. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey '916, because Busey '916 teaches real time communication via a chat server, which clearly suggests streaming media synchronization and the use of a switching mechanism, providing the advantage of controlled, real time media synchronization (see claim 1 of Busey '916; compare with pending claim 1 "*controlling the streaming....using said synchronizer*").

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In regard to dependent claims 2-6, Busey '916 teaches a chat server, a computer network (a network of computers), a first and second chat client (synchronizer and switching mechanism to handle streaming data), transfer (communication) of media data from one computer to another computer (see claim 1 of Busey '916; compare with pending claims 2, 4-5).

Video conferencing capability is known in the art (compare with pending claim 3).

Busey '916 does not specifically teach moderating. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey '916, because Busey '916 teaches communication using a chat server, suggesting moderating of data to achieve synchronization (see claim 1 of Busey '916; compare with pending claim 6), providing a way for Busey '916 to adjust streams for synchronization.

In regard to independent claim 7, Busey '916 teaches:

- a method of coordinating media/messaging operations via a real time chat server, said server handles streaming data to a second real time chat server for communicating media data (see claim 1 of Busey '916; compare with pending claim 1 "*A system for coordinating media....comprising*", and "*a plurality of user nodes....streaming media and messages in an information processing....a plurality of user nodes*").

- Busey '916 does not specifically teach controlling streaming using a synchronizer and a switching mechanism. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey '916, because Busey '916 teaches real time communication via a chat server, which clearly suggests media synchronization and the use of a switching mechanism, providing the advantage of controlled, real time media synchronization (see claim 1 of Busey '916; compare with pending claim 7

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“controlling the streaming....using said synchronizer”, and “a switching mechanism”, and “a synchronizer”).

In regard to dependent claims 8-12, Busey ‘916 teaches a chat server, a computer network (a network of computers), a first and second chat client (synchronizer and switching mechanism to handle streaming data), transfer (communication) of media data from one computer to another computer (see claim 1 of Busey ‘916; compare with pending claims 8, 10-11).

Video conferencing capability is known in the art (compare with pending claim 9).

Busey ‘916 does not specifically teach moderating. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey ‘916, because Busey ‘916 teaches communication using a chat server, suggesting moderating of data to achieve synchronization (see claim 1 of Busey ‘916; compare with pending claim 12), providing a way for Busey ‘916 to adjust streams for synchronization.

In regard to independent claim 13, Busey ‘916 teaches:

- a computer network comprising a display and a computer, as well as a chat server in communication with a client for real time bi-directional continuously open message transfer (see claim 5 of Busey ‘916; compare with pending claim 13 *“a display device”, and “a computer for....communications chat region.”*).

- Busey ‘916 does not specifically teach a media region embedded in a chat region. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey ‘916, because Busey ‘916 teaches an embedded hyperlink within a chat message, said hyperlink

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invoking a document viewer, suggesting an embedded media region and a chat region (see claim 5 of Busey '916, compare with pending claim 13 "*said media region being embedded in said chat region*"), providing the advantage of visualizing both chat and displayed hypertext media.

In regard to dependent claim 14, Busey '916 does not specifically teach a browser. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey '916, because Busey '916 teaches real time communication via a chat server an use of TCP/IP, including embedded hyperlinks, parsing of said hyperlinks and markup language instructions for display, which clearly suggests a hypertext browser, providing the advantage of viewable hypertext pages (see claims 3, 5 of Busey '916; compare with pending claim 14).

In regard to dependent claim 15, Busey '916 does not specifically teach streaming. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey '916, because Busey '916 teaches real time communication via a chat server, which clearly suggests media synchronization and streaming data, providing the advantage of controlled, real time media synchronization (see claim 1 of Busey '916; compare with pending claim 15).

In regard to independent claim 16, Busey '916 teaches:

- a computer network comprising a display and a computer, as well as a chat server in communication with a client for real time bi-directional continuously open message transfer (see claim 5 of Busey '916; compare with pending claim 16 "*a media device*", "*a display device*", and "*a computer coupled....computer network and for*").

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- a method of coordinating media/messaging operations via a real time chat server, said server handles streaming data to a second real time chat server (see claim 1 of Busey '916; compare with pending claim 16 "*establishing a streaming media region on said display device*", and "*receiving a first streaming....media transmission*", and "*receiving a second streaming....said streaming media region*").

- Busey '916 does not specifically teach synchronizing media. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey '916, because Busey '916 teaches real time communication via a chat server, which clearly suggests media synchronization, providing the advantage of controlled, real time media synchronization (see claim 1 of Busey '916; compare with pending claim 16 "*synchronizing said first....second streaming media transmission*").

- Busey '916 does not specifically teach streaming. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey '916, because Busey '916 teaches real time communication via a chat server, which clearly suggests media synchronization and streaming data, providing the advantage of controlled, real time media synchronization (see claim 1 of Busey '916; compare with pending claim 16 "*streaming*").

In regard to dependent claims 17-23, Busey '916 teaches a computer network comprising a display and a computer, as well as a chat server in communication with a client for real time bi-directional continuously open message transfer (see claim 5 of Busey '916; compare with pending claim 17).

Busey '916 does not specifically teach a browser and a Web page. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey '916, because Busey '916 teaches real time communication via a chat server an use of TCP/IP, including embedded hyperlinks, parsing of said hyperlinks and markup language instructions for display, which clearly suggests a

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hypertext browser, providing the advantage of viewable hypertext pages (see claims 3, 5 of Busey '916; compare with pending claims 17, 18).

Busey '916 teaches a chat communication process involving input from a user (see claim 1 of Busey '916; compare with pending claim 19).

Busey '916 does not specifically teach moderating. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey '916, because Busey '916 teaches communication using a chat server, suggesting moderating of data to achieve synchronization (see claim 1 of Busey '916; compare with pending claims 20-23), providing a way for Busey '916 to adjust streams for synchronization. Video conferencing is known in the art.

6. Pending claims 24-28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of Busey et al., U.S. Patent No. 5,764,916 (hereinafter Busey '916), in view of Tang et al. (hereinafter Tang), U.S. Patent No. 5,793,365 issued August 1998.

In regard to independent claim 24, Busey '916 teaches:

- a method of coordinating media/messaging operations via a real time chat server, said server handles streaming data to a second real time chat server via a message (see claim 1 of Busey '916; compare with pending claim 1 "*A method for....comprising the steps of*", and "*transmitting a first base message*").

- Busey '916 does not specifically teach synchronizing media. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Busey '916, because Busey '916 teaches real time communication via a chat server, which clearly suggests media synchronization,

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providing the advantage of controlled, real time media synchronization (see claim 1 of Busey '916; compare with pending claim 24 "*synchronizing*").

- Busey '916 does not specifically teach "*transmitting zero more....or other said second messages*". However, Tang teaches a chat room multimedia based message thread in a hierarchical format (Tang Figure 5; compare with pending claim 24 "*transmitting zero more....or other said second messages*". It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Tang to Busey '916, because of Tang's taught advantage of threading, providing a user of Busey '916 the capability of observing a categorization of messages from various participants.

- sending/receiving unsynchronized media and messages in the form of an embedded hyperlink associated with a message (see claim 1 of Busey '916; compare with pending claim 24 "*associating with one or more....predetermined streaming media transmission*").

In regard to dependent claims 25-27, claims 25-27 incorporate substantially similar subject matter as claimed in claims 6, 3, and are rejected along the same rationale.

In regard to dependent claim 28, Busey '916 does not specifically teach audio. However, Tang teaches audio conferencing (Tang Figure 11 item 83; compare with pending claim 28). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Tang to Busey '916, because of Tang's taught advantage of audio, providing a user of Busey '916 an added dimension to the chat room method.

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Claim Rejections - 35 USC § 112

7. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In regard to independent claim 24, limitation (b) states transmitting zero more second response messages. It is vague and unclear how this fits with the rest of limitation (b). It is noted that limitation (b) is moot if no message is sent.

Examiner's Notes

9. Regarding independent claim 24, it is to be noted that limitation (b) is interpreted to mean messages indicative of a threaded discussion.

Claim Rejections - 35 USC § 103

10. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1-13, 15-16, 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (hereinafter Tang), U.S. Patent No. 5,793,365 issued August 1998.**

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In regard to independent claim 1, Tang teaches:

- a method of coordinating media/messaging operations via a real time chat server, said server handles transmitted data (Tang column 3 lines 59-67, column 4 lines 1-4; compare with claim 1 “*A method for coordinating media....comprising the steps of*”).

- sending a message stream in the form of an initial message, and message objects to be sent to a chat server (chat servers process bi-directional message data), and accepting the same from other users in a chat environment, said messages controlled by a chat server (Tang Figure 5, column 3 lines 20-29, column 8 lines 32-39, also Abstract; compare with claim 1 “*streaming media and messages in an information processing....a plurality of user nodes*”, and “*receiving a plurality of unsynchronized media and messages from said plurality of user nodes*”, and “*controlling the streaming of media*”).

- Tang does not specifically teach use of a synchronizer and a switching mechanism. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches real time communication via a chat room (using a chat server), which clearly suggests media synchronization and the use of a switching mechanism to preserve real time bi-directional data transmission, providing the advantage of controlled, real time media synchronization (Tang column 3 lines 59-67, Figure 5; compare with claim 1 “*controlling the streaming....using said synchronizer*”, and “*a switching mechanism*”).

In regard to dependent claims 2-5, Tang teaches the use of chat servers, a computer network with a plurality of connected computers, a first and second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40; compare with claims 2-5).

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In regard to dependent claim 6, Tang does not specifically teach moderating data. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches communication using a chat server, suggesting moderating of streaming data to achieve real time synchronization (Tang column 3 lines 20-30, 59-67; compare with claim 6), providing a way for the chat server of Tang to adjust data streams for synchronization.

In regard to independent claim 7, Tang teaches:

- a method of coordinating media/messaging operations via a real time chat server, said server handles transmitted data (Tang column 3 lines 59-67, column 4 lines 1-4; compare with claim 7 "*A system for coordinating media....comprising*").

- sending a message stream in the form of an initial message, and message objects to be sent to a chat server (chat servers process bi-directional message data), and accepting the same from other users in a chat environment, said messages controlled by a chat server (Tang Figure 5, column 3 lines 20-29, column 8 lines 32-39, also Abstract; compare with claim 7 "*a plurality of user nodes....communicate media and messages*" , and "*streaming media and messages to said plurality of user nodes*", and "*receiving media and messages....received media and messages*").

- Tang does not specifically teach use of a synchronizer and a switching mechanism. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches real time communication via a chat room (using a chat server), which clearly suggests media synchronization and the use of a switching mechanism to preserve real time bi-directional

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data transmission, providing the advantage of controlled, real time media synchronization (Tang column 3 lines 59-67, Figure 5; compare with claim 7 “a synchronizer”, and “a switching mechanism”).

In regard to dependent claims 8-11, Tang teaches the use of chat servers, a computer network with a plurality of connected computers, a first and second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40; compare with claims 8-11).

In regard to dependent claim 12, Tang does not specifically teach moderating data. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches communication using a chat server, suggesting moderating of streaming data to achieve real time synchronization (Tang column 3 lines 20-30, 59-67; compare with claim 12), providing a way for the chat server of Tang to adjust data streams for synchronization.

In regard to independent claim 13, Tang teaches:

- a computer network comprising a display and a computer, as well as a chat server in communication with a client for real time bi-directional continuously open message transfer (Tang Abstract, column 3 lines 20-30, 59-67, column 4 lines 15-25; compare with claim 13 “a display device”, and “a computer for....communications chat region.”).

- Tang does not specifically teach a media region embedded in a chat region. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches various participant related icons (avatars) in the same general area of an associated chat

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message, suggesting a media region visually associated with a chat region (Tang Figure 5, column 9 lines 22-36, compare with claim 13 “*said media region being embedded in said chat region*”), providing the advantage of visualizing both chat and media to increase recognizability of people and messages.

In regard to dependent claim 15, Tang teaches video conferencing, which encompasses continuously streaming data (Tang column 8 lines 29-37; compare with claim 15).

In regard to independent claim 16, Tang teaches:

- a computer network comprising a display and a computer, as well as a chat server in communication with a client for real time bi-directional continuously open message transfer (Tang Abstract, column 3 lines 59-67, column 4 lines 1-4; compare with claim 16 “*a media device*”, “*a display device*”, and “*a computer coupled....computer network and for*”).

- a method of coordinating media/messaging operations via a real time chat server, said server handles streaming data to a variety of clients (Tang Figure 5, column 3 lines 20-29, column 8 lines 32-39, also Abstract; compare with claim 16 “*establishing a streaming media region on said display device*”, and “*receiving a first streaming....media transmission*”, and “*receiving a second streaming....said streaming media region*”).

- Tang does not specifically teach synchronizing and controlling media transmissions. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches real time communication via a chat server, which clearly suggests media synchronization and control, providing the advantage of controlled, real time media synchronization necessary

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in chat sessions (Tang column 3 lines 59-67, Figure 5; compare with claim 16 “*synchronizing said first....second streaming media transmission*”).

In regard to dependent claims 19-23, Tang teaches a chat communication process involving input from a user (Tang column 7 lines 65-67; compare with claim 19).

Tang does not specifically teach moderating data. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches communication using a chat server, suggesting moderating of data to achieve synchronization, and Tang also teaches video conferencing and teleconferencing transmissions (Tang column 3 lines 59-67, column 8 lines 30-40, Figure 11 items 81, 83; compare with claims 20-23), providing a way for Tang to adjust and control streams for synchronization.

In regard to independent claim 24, Tang teaches:

- a method of coordinating media/messaging operations via a real time chat server, said server handles streaming data to a second real time chat server via a message (Tang, Abstract, column 3 lines 59-67; compare with claim 1 “*A method for....comprising the steps of*”, and “*transmitting a first base message*”).

- Tang does not specifically teach synchronizing media. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches real time communication via a chat server, which clearly suggests media synchronization to preserve real time bi-directional data transmission, providing the advantage of controlled, real time media synchronization for chat sessions (Tang column 3 lines 20-40, 59-67, Abstract; compare with claim 24 “*synchronizing*”).

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- a chat room multimedia based message thread in a hierarchical format (Tang Figure 5; compare with claim 24 “*transmitting zero more....or other said second messages*”).

- sending/receiving media and messages in the form of various files and streamed messages (Tang column 3 lines 59-67, column 8 lines 30-42; compare with claim 24 “*associating with one or more....predetermined streaming media transmission*”).

In regard to dependent claims 25-27, claims 25-27 incorporate substantially similar subject matter as claimed in claims 6, 3, and are rejected along the same rationale.

In regard to dependent claim 28, Tang teaches audio conferencing (Tang Figure 11 item 83; compare with claim 28).

12. Claims 14, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang as applied to claim 1 above, and further in view of Rekimoto, U.S. Patent No. 5,956,038 issued September 1999.

In regard to dependent claims 14, 17-18, Tang does not specifically teach a chat region in a browser region, or a Web page. However, Rekimoto teaches a chat and media (avatar) related application involving the use of a browser (said browser reading HTML) (Rekimoto column 21 lines 59-65; compare with claims 14, 17-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Rekimoto to Tang, because of Rekimoto’s taught advantage of a browser embodiment, providing a user of Tang a way to utilize a familiar and established method of communication via Internet.

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*Conclusion***13. Prior art made of record and not relied upon is considered pertinent to disclosure.**

Ludwig et al.	U.S. Patent No. 5,978,835	issued	11/1999
Brush, II et al.	U.S. Patent No. 5,884,029	issued	03/1999
Benman, Jr.	U.S. Patent No. 5,966,130	issued	10/1999
Maes et al.	U.S. Patent No. 5,563,988	issued	10/1996
Liles et al.	U.S. Patent No. 5,880,731	issued	03/1999

McKenna, Patrick, Worlds Inc. & Diamond Multimedia To Deliver 3-D Chat, Newsbytes News Network, 12/13/1995.

Emigh, Jacqueline, Internetworld - Ziff-Davis, AOL, Others Rollout Products, Newsbytes News Network, 10/30/1995, pp. 1-2.

Emigh, Jacqueline, Executives See The Internet For 1996, Newsbytes News Network, 12/22/1995, pp. 1-3.

Mohageg, Mike et al., A User Interface for Accessing 3D Content on the World Wide Web, Conference Proceedings on Human factors in computing systems, 4/1996, pp. 1-10.

Rist, Thomas et al., Adding animated presentation agents to the interface, ACM Proceedings of the 1997 international conference on Intelligent user interfaces, January 6-9, 1997, pp. 79-86.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. The fax number to this art unit is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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15. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry)

or:

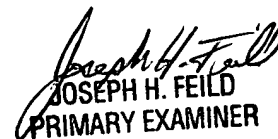
(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

or:

(703) 746-7238 (for after-final communications)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).**

William L. Bashore
10/16/2001


JOSEPH H. FEILD
PRIMARY EXAMINER